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ing Crowe's etymological identification of *bruidhen* and πρωταγεῖν (II. 171). Dr. Joyce's remarks on Christian loan-words (I. 316) are also inadequate, taking too little account of Welsh transmission, and his classification of the Celtic languages (I. 472) is misleading when it implies that the continental Celtic as we know it was the parent of Welsh and Irish. But these inaccuracies fortunately do not affect the greater part of his work. It is in comparison of Irish with other languages rather than in the interpretation of the Irish itself that he is not quite safe. And I may add that in dealing with religion and saga the least successful parts of his work have been his efforts at comparison. The parallels and contrasts, for example, between Irish and Gaulish religion (I. 238-240) are not particularly significant, and in a later chapter (I. 391) the remarks on cold torments in hell imply that the doctrine was more restricted to the Celts than it really was.

But comparison of institutions, like comparison of words, was only a casual matter with Dr. Joyce. He says in his preface that he could not give much space to it. His chief object was to compile the available facts about the social history of ancient Ireland, and he has done it with remarkable thoroughness. Such a compilation is of special value (and attended with special difficulties, it should be remembered) in the field of Celtic philology, where most of the usual aids to scholarship — good dictionaries, onomasticons, cyclopedias, and the like — are still extremely scarce.

F. N. ROBINSON.

*Les Origines de l'Ancienne France.* Par JACQUES FLACH. III.  
Le Renaissance de l'État. La Royauté et le Principat. (Paris : Librairie de la Société du Recueil Général des Lois et des Arrêts, L. Larose, Directeur. 1904. Pp. viii, 580.)

To all who have a special interest in the history of feudal institutions, or in the history of the tenth and eleventh centuries, the appearance of a new volume by M. Flach, after an interval of ten years, is an event of much importance. Whatever one may think of his fundamental theories, or even of his historical method in some of its particulars, there is certain to be much instruction to be found in his suggestive ideas, in his restudy of the evidence, and in the new evidence which he brings to bear with great skill on the problems of the age.

It was a long life-work which M. Flach began many years ago, and it has been much interrupted by the exacting duties of his academic position. The first volume appeared in 1886; the second in 1893; and the third bears the date of 1903. Of his original plan of the work, covering the entire institutional history of the period between the dissolution of the Carolingian state and the beginning of a reconstruction of the royal power by the Capetians, Volume I. contained Book I., on protection — a study of political conditions affecting the origin of feudalism — and Book II., on the dissolution of society; Volume II. contained Book III., on the elements of reconstruction — a study of early communal organization, urban and rural, and of feudal institutions; and the pres-

ent volume contains the first half of Book IV., entitled in the original plan "the formation of a national law", now called "the renaissance of the state", and dealing with political institutions rather than with the construction of a body of formal law. The proper treatment of this subject proved too long for a single volume, and another to complete it, which will be Volume IV. of the whole work, is promised for early publication. There still remain of the original plan four more books to appear: V., dealing with general social conditions; VI., with economic conditions and the position of the individual in this society; VII., with intellectual and social conditions; and VIII., with commune and enfranchisement as outgrowths of the period and lines of transition to the next. The results of this great plan of work that have already appeared are so valuable that it would seem to be the plain duty of France to see to it that these long years of preparation and the enormous organization of material already made are not lost to the world of scholarship by pressure on the author by routine labor that may in any way be avoided.

The third volume deals with a topic in which there will be perhaps more general interest than in the subjects of the first two. Its main topic is the transmission of the prerogatives and functions of the central government, the monarchy, through the age of weakness from the end of the ninth century to the end of the twelfth. The first part, of about 100 pages, deals chiefly with the author's fundamental theories, and will be considered later. The second part, which will be completed in Volume IV., considers the central government of the state in itself and in its relation to the more local powers that shared in or disputed its authority. It is impossible within any reasonable limits even to refer to the numerous topics of interest that are discussed in the treatment of this general subject. Of especial importance are: the transmission of the idea or ideal of the kingship, in which the definiteness of this idea and its value to the central government during the eclipse of the monarchy and in the reconstruction of its power are brought out more clearly than ever before; of the legislative power, in which a new view is presented of this function, making it rest not on a general lawmaking power, which it is held the sovereign never possessed, but on a high police function; of the judicial organization, treated under two separate divisions — under the royal prerogatives (considering jurisdiction, appeals, equity, and the inquest process, all of especial interest), and under the royal household (considering the different kinds of royal courts, here made three, and their composition); of the idea of peerage and the origin of the peers of France, for which a natural rather than an artificial origin is found; and finally of the relation of the great baronies or feudal states of France, lay and ecclesiastical, to the general government, including a considerable history of each, which is the special subject left unfinished in this volume. This indicates imperfectly the wide range of institutions discussed and always in a fresh and suggestive way and with some new evidence.

But it was not for the discussion of details like these that M. Flach undertook this long work. They are but incidents to his main purpose,

which is to establish a new interpretation of the history of these centuries. His fundamental thesis in general terms is that the feudal system as commonly understood did not become definitely established as the mistress of French public life until sometime in the twelfth century, that current ideas, inherited from the feudists of the ancient régime, carry back the complete possession of society by feudalism two centuries too early. Incidentally to this general thesis he parts company with current ideas on many points of detail, questions both of the origin and of the character of feudal institutions. The third volume illustrates very well the relation of his special treatment to his general thesis, since the subordinate thesis of it may be said to be that there was much more of definiteness and of extension to the royal authority during these centuries than has generally been supposed. In support of this thesis the author has certainly arrayed much evidence usually overlooked but hereafter necessarily to be taken into account. In this way the volume well illustrates what is true of the work as a whole, that its real importance is less in what the author has most at heart than in what is to him incidental to his main contention.

It is not easy to be sure that one understands the intricacies of M. Flach's system. A difficult style and an unusual vocabulary, a habit of expression, and even of thought apparently, in figurative forms, not a few subtle distinctions, and a perplexing mingling of general ideas and special cases strain the attention and confuse the judgment. But if one may trust his understanding, if there is not another explanation which has escaped some effort to find it, these three volumes would seem to record the progressive growth of a system in the author's own mind. The points on which M. Flach differs from the prevailing views on feudal history appeared but faintly in Volume I., came out more clearly in Volume II. on certain topics, and are here seen sharply and all along the line. If after completing Volume III. one will turn back and read chapter XI. of Book I., the apparent progress of ideas will be evident. There these conclusions for the end of the ninth century appear to be unquestioned: the heredity of benefices had been long established, and it was the rule that benefice and vassalage should be united in the same person; the establishment of this rule marks the passage of the beneficial system into the feudal system; the benefice in itself created the obligation of service, it was pay in advance, and on it a *contrat réel* was based which was perfectly synallagmatic and which gave the right of confiscation on failure of service. In the present volume scarcely anything of this remains. In one case M. Flach has noticed the change (III. 83), but in general he has not. This fact makes rather difficult both the study and the criticism of the peculiar ideas which M. Flach endeavors to contribute to the scientific understanding of this period, but it seems to me certain that he has failed to prove satisfactorily either his main contention as to the date of definite feudal organization or the more important deviations from generally accepted ideas that have gone with it.

Let us take a case of some importance that raises the really fundamental question of evidence and method. M. Flach mentions Normandy, Flanders, and Barcelona as the regions where feudalism first developed into the type known to the feudists. What his basis for this classification is does not appear in the present volume, though it is possible to guess ; nor does it appear why on similar grounds he does not add Lombardy to the list. At any rate, the agreement in all essential details of the early formulated feudal law, or described feudal customs, in these widely separated quarters of the old Frankish empire, suggests even more than development out of a common institutional past. It suggests that if we were fortunate enough to possess legal monuments of the same character as from these regions, or the writings of chroniclers equally interested in the subject, for those portions of the Frankish empire that separated these extremes, we should find evidence throughout the whole of a development contemporary and similar, or nearly so. We get here also a logical ground for the traditional interpretation of the less systematic material that has come down to us from these interior regions, and one different from that which M. Flach supposes to be its basis, that is, the influence of the feudists on our study of the codes of the thirteenth century. Indeed, tracing the development from the ninth century in the light of the completed result in the thirteenth is not a logically indefensible process, though it might leave us sadly in the dark as to the date of intermediate changes, and this is one of the author's strongest points, but we are not really shut up to this method, as M. Flach seems to suppose.

This is one phase of what constitutes the most serious scientific defect of M. Flach's work. He has chosen to found his explanation of this period, in so far as that differs from the prevailing one, not on those portions of our incomplete evidence that link the strongly established, already victorious tendencies of the ninth century with the results displayed in the thirteenth in a continuous, harmonious whole, but on the evidence which opposes a continuity of prevailing forms, on what is rather the special instance, the survival of disappearing forms, the exceptional case. That is, the theory is open to the serious objection that, even where it is most strongly supported by the facts, it explains them no better than the older interpretation and explains no more of them, and elsewhere not so well or so completely. There is too much left to be explained away, often in a somewhat forced manner, or by virtue of a theory which itself stands in need of proof. M. Flach seems also to go upon the supposition that the date of a prevailing feudal type is fixed by the date at which formal statements of feudal law began to be drawn up. It is to be hoped that his plan includes a study of the conditions under which men began to feel themselves impelled to reduce to written statement the customary practices that had grown up. This preliminary and often informal process runs through the eleventh and twelfth centuries, and forms the introduction to the more formal codes of the thirteenth. It is a process that undoubtedly tended to eliminate exceptional

practices and was perhaps induced by them, but it does not therefore indicate the late creation of a prevailing type. Nor must such a conclusion be drawn from that late evolution within feudalism which is so clearly seen in the written law — the tendency to transform the vassal in reality from tenant to owner, while he remained in form a tenant.

It must be understood that this criticism applies only to those views of M. Flach's that are peculiar to himself. In a very large portion of his work he is in agreement with the current opinion, or his new suggestions require no serious modification of them. Here we have often to be grateful for sharper distinctions, improved emphasis, and reinforcement of evidence. In one particular we can go further than this and revise our criticism of his peculiar views. One of the most important contributions which he has made to our better understanding of this period comes through the emphasis he has placed on the rôle of the social forces, the family, the clan, the tribe, etc., in the development of feudalism. In that exceedingly complex process which we call the formation of feudalism, through which history passed from the beginning of the seventh to the close of the tenth century, social, economic, legal, and political forces, under conditions of their own creation, struggled and wrought together on the coming result, each impressed itself on that result, and in some measure helped to account for its form. It was perhaps natural, while the pioneers were blazing their way through the tangled jungle of this growth, that each should insist on the superior importance of the way which he had himself struck out and declare his exploration to be all-sufficient. The time has now come when we ought to be able to see that no one explanation contains the whole truth; that neither legal forms nor economic conditions, neither social impulses nor political necessities, were, any one of them, the controlling factor in creating feudalism, but that the product was a resultant of all these, to which each made an essential contribution. To insist, as M. Flach seems disposed to do, that he is right and that others are wrong, is to class his book with the work of the pioneers, not of the final constructors. That is in truth where it belongs, though in my opinion from its comprehensive grasp of the subject it comes nearer to a final book than any other yet written. And this particular piece of pioneer work was still needed to emphasize what we were disposed to overlook and what it seems clearly to have established, that as political authority declined in strength, society fell back on older natural bonds, the family, the clan, the ethnic unit.

It was no slight service also to raise the question of date, even if we reject the offered amendment of our ideas, and to insist on the scanty character of the evidence which supports the old notions, to make considerable additions to our evidence, and to force a careful re-examination of all the field. It was of great value also to show more fully than before that in the tenth and eleventh centuries the old and indefinite still mingled in appreciable proportions with the new and more fixed, though the student should be warned against concluding that a great variety of

forms, an apparent confusion of forms even, means either the indefiniteness of the forms themselves, or the impossibility of tracing the pedigree of those that finally prevail through a clear line of descent to the primitive forms in which the growth began. That is the narrowing fallacy of those who refuse to allow to legal forms their proper place in the complex evolution that produced feudalism.

In the matter of the evidence brought forward, this volume differs somewhat from the other two. A marked feature of both the others was the frequent citation in full of passages from the sources, especially of unpublished ones, to such an extent as to make them almost source-books of early feudalism. The argument of Volume I. was supported mainly by evidence from the charters. In Volume II. appeared an array of evidence from a new source, the *chansons de geste*, open to obvious critical objections, but handled by the author with care and skill. Volume III. brings into the field still a new array, drawn now from the saints' lives and from sermons, open to the same objections, but handled with the same care. The volume differs, however, from the first two in the amount of quotation, which is quite distinctly less.

In conclusion it is to be said that while M. Flach's work is a most suggestive and valuable contribution to the history of early feudalism, it cannot be accepted as a safe guide for the beginner. It is a book for the special student, for one who already knows the evidence and the prevailing interpretation of it, and who can estimate critically the author's use of it and his new conclusions. The special distinction of the book is that those who know the most about its subject, and perhaps those who least accept its peculiar views, will gain the most from it.

GEORGE B. ADAMS.

*Medieval England: English Feudal Society from the Norman Conquest to the Middle of the Fourteenth Century.* By MARY BATESON, Associate and Lecturer of Newnham College, Cambridge. [The Story of the Nations.] (New York: G. P. Putnam's Sons. 1904. Pp. xxvii, 448.)

As might be expected from a writer whose editing of *The Records of the Borough of Leicester* has given her a conspicuous place in early municipal history, Miss Bateson's *Medieval England* is distinctly above the level of the long series of which the new volume forms a part. Much more new material, the result of painstaking research in a field not hitherto overworked, has gone into this volume than into some of its predecessors in the "Story of the Nations" series. The work, while characterized by directness and clearness of narrative which cannot fail to make it readable, bears the mark of scholarship. There was a place for a book of moderate size with the aims and on the lines of Miss Bateson's work. There was a constituency of general readers awaiting it; and Miss Bateson has adequately occupied the field.